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Congress of the United States
House of Representatives

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October 10, 2023

Richard W. Spinrad
Under Secretary of Commerce for Oceans and Atmosphere & NOAA Administrator
NOAA/National Oceanic and Atmospheric Administration
1401 Constitution Avenue NW, Room 5128
Washington, DC 20230

Dear Mr. Spinrad,

We are writing to urge you to take immediate action to combat illegal, unreported, and unregulated (IUU) fishing by the People's Republic of China (PRC). The widespread IUU fishing conducted by the PRC is alarming, as is the PRC's unwillingness to take corrective action despite years of rampant violations and circumvention of international conservation and management measures.

On August 31, 2023, your agency, the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) issued its *2023 Report to Congress on Improving International Fisheries Management*, finding that the PRC had failed to take corrective actions to address U.S. concerns, resulting in the PRC receiving a negative certification determination.¹ The report details how PRC vessels violated a wide range of international fishery conservation and management measures and failed to take appropriate corrective actions.² In addition, the report finds that PRC-flagged fishing violated shark- and transshipment-related conservation measures.³

¹ National Oceanic and Atmospheric Administration, "Report to Congress on Improving International Fisheries Management", August 31, 2023.

² *Id.* at 18.

³ *Id.*

We commend NMFS for including forced labor for the first time ever in its IUU fishing certification determination, but we are alarmed that the report concludes that the PRC's distant water fishing fleet is "characterized by numerous reported incidents of forced labor" and that "the species and fisheries where forced labor is documented in the PRC's distant water fleet is broad", including tuna and squid that is imported to the United States.⁴ Most recently, in late 2022, U.S. Customs and Border Protection issued Withhold Release Orders (WRO) against PRC entity Dalian Ocean Fishing Co. Ltd. due to its egregious forced labor practices.⁵ These actions add to the growing body of reporting implicating the PRC's fishing fleets in forced labor.⁶

IUU fishing not only imperils sustainable fisheries and damages ocean ecosystems – it also threatens our economic security and puts our fishermen and seafood producers at a competitive disadvantage. As you know, the PRC is the world's largest processor and exporter of seafood products and is one of the top exporters of seafood products to the United States, making U.S. consumers unwittingly complicit in the PRC's IUU fishing practices and forced labor.

Under the Moratorium Protection Act, a negative certification determination will result not only in the denial of U.S. port privileges, but it can also result in trade sanctions.⁷ Under the Act, if consultations with the Department of Commerce are not satisfactorily concluded within 90 days, the Secretary of the Treasury can prohibit the importation into the United States of fish and fish products.⁸ It has been over a decade since the Moratorium Protection Act was passed into law and, despite the growing body of evidence implicating the PRC in violating the conditions of this act, no restrictions on the importation of PRC seafood products have been implemented. We request that NOAA strongly consider enforcing trade restrictions against the PRC on specific seafood products tainted by forced labor if the PRC continues to refuse to take corrective action within 90 days after bilateral consultations begin.

Urgent action is needed. Past approaches to combatting IUU fishing by the PRC and efforts to stop forced labor have been insufficient, putting our fishermen and seafood producers at a competitive disadvantage, damaging marine ecosystems, and implicating U.S. consumers in forced labor.

Thank you for your attention to this important matter.

⁴ *Id.* at 38.

⁵ U.S. Customs and Border Protection. "CBP issues Withhold Release Order on Chinese fishing fleet." May 28, 2021.

⁶ U.S. Department of State. "Report to Congress: Human Trafficking in the Seafood Supply Chain." December 31, 2020; Vaughn, Bruce. Dolven, Ben. Congressional Research Service. "China's Role in the Exploitation of Global Fisheries." April 12, 2022. Department of Treasury. "Treasury Targets Serious Human Rights Abuse Aboard Distant Water Fishing Vessels Based in the People's Republic of China." December 9, 2022.

⁷ If NMFS issues a negative certification determination to a nation or entity, 16 U.S.C. §§ 1826a-1826c (High Seas Driftnet Fisheries Enforcement Act) prescribes denial of U.S. port privileges for that nation's or entity's fishing vessels. The Moratorium Protection Act (16 U.S.C. §§ 1826d-1826k) authorizes other responsive measures, including potential import restrictions.

⁸ 16 U.S.C. §§ 1826a(b)(3)(A)(ii) and. §§1826j(d)(3)(A).

Sincerely,



Mike Gallagher
Chairman



Raja Krishnamoorthi
Ranking Member



Rob Wittman
Member of Congress



Kathy Castor
Member of Congress



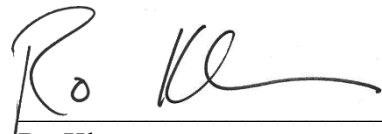
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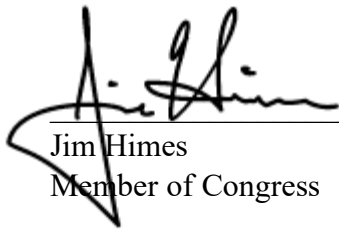
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Carlos Gimenez
Member of Congress



Jim Himes
Member of Congress



Scott Peters
Member of Congress

CC:

The Secretary of Commerce, The Honorable Gina Raimondo
The Secretary of Homeland Security, Alejandro Mayorkas
The Secretary of the Treasury, The Honorable Janet Yellen
The Secretary of State, The Honorable Antony Blinken
The United States Trade Representative, The Honorable Katherine Tai